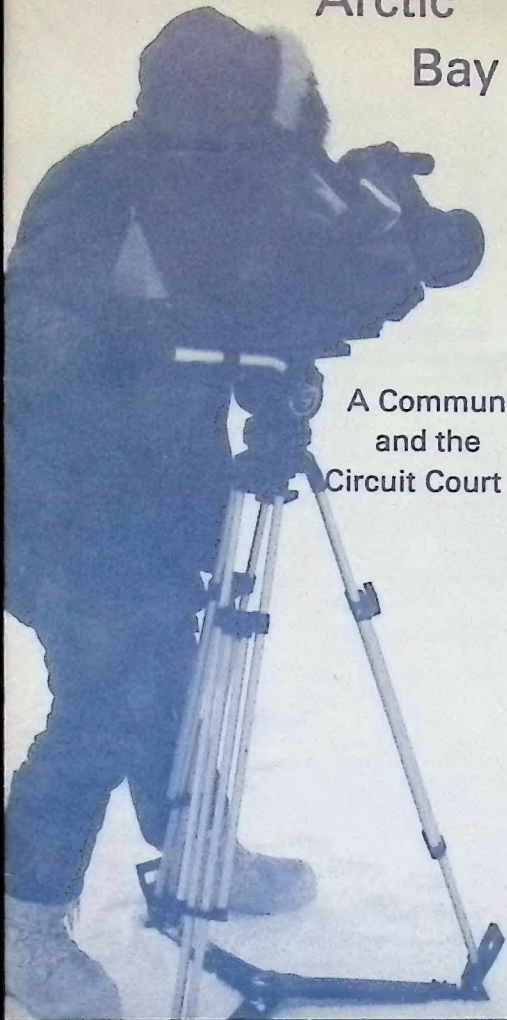


Arctic Bay

A Community
and the
Circuit Court



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Curt Taylor Griffiths
Simon Fraser University
Territorial Court of the Northwest Territories
1985

Arctic Bay
A community and the Circuit Court

Director of Photography: Ken Kowalewich

Edited by: Paul Lievesley

Produced and Directed by: Margit Nance

The film represents one of the few times that cameras have been admitted into a courtroom in Canada. It is the first time an entire proceeding has been recorded live on videotape. Because it is a real story, a real community and real individuals, it was a great trust that was extended to the filmmaker. The challenge was to leave southern preconceptions on the airplane and to document Arctic Bay and the case in the way it was. The hearing represented a painful moment in the life of Arctic Bay, and the producer thanks the Northwest Territorial Court, the community and the individuals for allowing us into their lives. We hope we have done justice to their trust.

Margit Nance

The Story

It is the end of January in the small Inuit Community of Arctic Bay, high up on Baffin Island in Canada's Eastern Arctic. A little sign on the outskirts of the village points toward the North Pole, merely 400 kilometres away.

An immense icy silence surrounds this village, interrupted only rarely by the sound of footsteps on the icy ground or the yelping and barking of sleddogs tied to lines on the ice. And sometimes one hears the laughter of children pouring out of the schoolhouse or the Inuktitut sermons and hymn singing from the church. And then again silence.

In one of the houses in this village lives Joanisie, twenty-one years old, with his father, his mother, brothers and sisters, and his common-law wife and their six-month old son. Now and then, dressed in his sealskin parka and pants, he goes out on the ice with his snowmobile to hunt seal. And sometimes he stays home to watch TV programs imported from the south with the community's dish or on videocassette on the family's VCR. Other times he works a few hours at the school, where he helps on the construction of the new gymnasium.

But this day is different. Today the Circuit Court from faraway Yellowknife is coming to Arctic Bay to hold a sentencing hearing and the accused is Joanisie. The charge, for which he was convicted several months before when last the court came here, was the sexual assault of his fourteen year-old former girlfriend. Joanisie had pleaded guilty and now he would be sentenced.

What will make this sentencing hearing so special is that the community wants to play a particularly strong role in the disposition of this case. To that end, the Inumarrikt (the Council of Elders) and the Social Services Committee will appear before the court to testify what the Inuit people think about the crime of sexual assault, the impact it has on the community, and how as a community they traditionally deal with an offender such as Joanisie.

It is just before noon and the court party has arrived at the community centre, which will serve as the courtroom. The party consists of the judge, the defense counsel, the crown counsel, court clerk, and court reporter and they are setting up their various positions. Gradually the people from the village begin to arrive and soon the little courtroom is filled with young and old, men, women and children to standing room only.

A hush falls over the hall as the court clerk calls the court to order. The hearing begins with the crown counsel presenting the facts of the case, that led to Joanie's conviction several months before.

And then follow twelve hours of hearing, with only a couple of short breaks until just after midnight the Judge renders his decision. It is twelve hours of testimony about various possible sentences and what they would mean to the accused, to his family and to his community.

Arctic Bay through its Inumarrikt and its Social Services Committee, has particularly strong community structures that can assume much of what in other communities has to be implemented by outsiders. What the community recommends to the Judge for Joanie's punishment and rehabilitation and what the Judge does with that in his sentencing are the subject of this film.

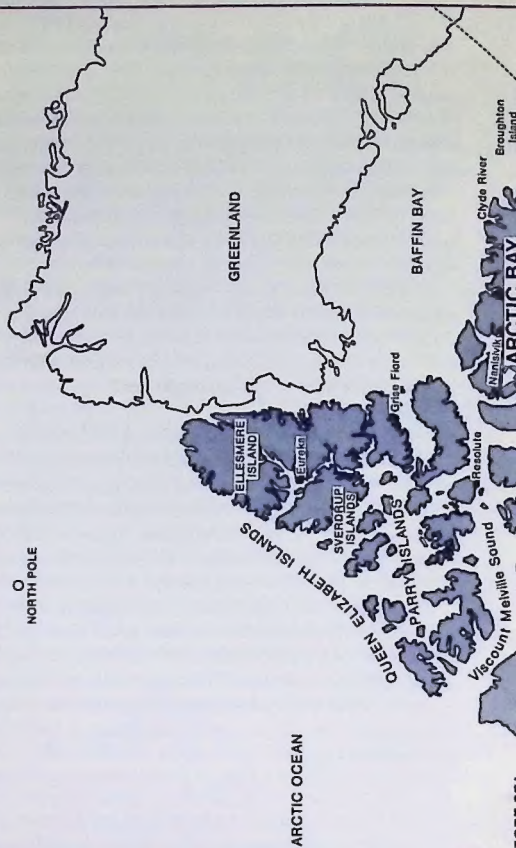
It is the story of a community with pride in self-reliance. And it is the story of the Law of Canada and whether or not it can be adapted to reflect the cultural and geographic context of a remote Inuit community.

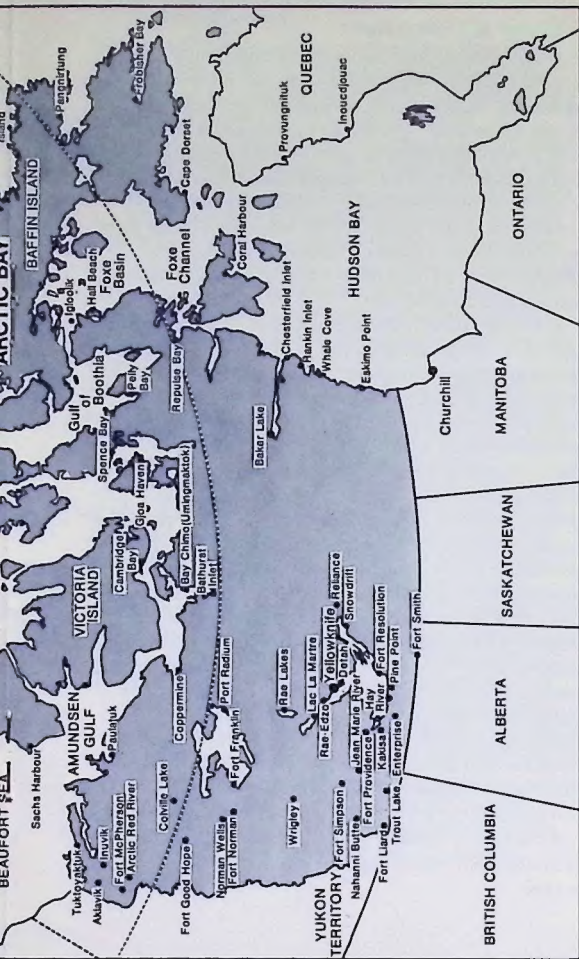
And it is the story of Joanie, a young Inuit at a crossroads in his life and at a crossroads in his community.

On the one-hour program of the same name, the film is followed by a discussion of Northern justice issues with the Judge in the story, *His Honor Judge Michel Bourassa* of the Northwest Territorial Court as interviewed by *Curt Taylor Griffiths*, Ph.D., School of Criminology, Simon Fraser University.

NORTHWEST TERRITORIES

○
NORTH POLE





The Northwest Territories of Canada: A General Description

The Canadian Northwest Territories has a population of 46,000 residents who live in 61 communities scattered across 3.0 million square kilometres and four time zones. Twenty-two percent of the residents of the N.W.T. are Dene (Indian), and 35% are Inuit (Eskimo) and the majority of these people speak and/or understand only their native language. In the N.W.T. virtually all of the communities, other than those such as the territorial capital of Yellowknife which are situated around Great Slave Lake, are accessible only by airplane, ship, or boat.

Arctic Bay is an Inuit community of approximately 500 residents situated on the northern end of Baffin Island and is one of several communities served by the courts on the Baffin Island circuit. While the Inuit communities on Baffin Island share many common attributes, there is also considerable diversity among the villages and the members of the circuit court party must be sensitive to these differences. Between the villages, there is considerable diversity in the center of power (whether held by the village elders or vested in a settlement council), in the sense of 'community' which exists, in attitudes toward crime and delinquency, in the role of the circuit court, and in the extent to which alcohol is either regulated or prohibited. In some communities, for example, the center of power is the town or settlement council, while in others this body plays a secondary role to the elders of the village. Similarly, some of the communities on Baffin Island exhibit a well developed sense of community and community involvement while others do not.

A major focus of the film *Arctic Bay: A Community and the Circuit Court* is the role of the council of elders or Inummarikt in dealing with a young adult convicted or rape.

The Delivery of Justice Services in the Northwest Territories

The vast land area, small population, and geographic isolation of the majority of the communities in the N.W.T. have profound implications for the delivery of justice services. While several of the larger communities have Justices of the Peace and a social worker or probation officer, most have only a one- or two-man Royal Canadian Mounted Police detachment and are serviced on a periodic basis by a fly-in circuit court. Communities are served by both Territorial and Supreme Court Judges travelling on six 'circuits'. Large communities such as Frobisher Bay, Hay River, and Inuvik are served monthly, while others are visited every three months, or less frequently if there are no cases to be heard.

In recent years, questions have been raised about the quality and relevance of circuit court justice. Specific concerns have been voiced regarding the large court dockets which result from backlogs of cases.

Other concerns relate to the time constraints, which often preclude effective defence preparation and result in 'marathon' court sessions, often lasting up to 12 hours. Further the periodic lack of interpretive services to provide simultaneous translations of court proceedings has led to the charge that the people in the villages have little understanding of the function of the court, the role of court personnel, or of the legal terminology used during the court proceedings.

Against this backdrop, members of the court party, including the judge, must attempt to balance the needs of the community, the victim, and the offender with the requirements of the law. In these deliberations northern communities, such as Arctic Bay, have the opportunity to play a significant role in the justice process and to have a potentially significant impact on the final decision reached.

Suggested Reading

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